

IMMEDIATE RELEASE: Ireland receives warning from European Commission over lack of water regulation

3 November 2020 – The European Commission has issued a warning to Ireland over failure to comply with key EU water law (Water Framework Directive) due to a lack of legislation and appropriate controls for water abstraction (extraction).(1)

The Sustainable Water Network (SWAN) has warned that the bill drafted to resolve this regulatory gap will not meet the requirements of the Water Framework Directive and will result in potential breaches of other EU environmental directives.(2) The ‘Water Environment (Abstractions) Bill’ is scheduled for pre-legislative scrutiny this week by Joint Oireachtas Committee on Housing, Local Government and Heritage.

The Sustainable Water Network (SWAN) has flagged that the Bill sets regulation thresholds so high that the majority of water abstractions will remain unregistered and unmonitored, potentially having serious implications for the environment and future rural water supply at a local level.(3)

The network of twenty-five environmental groups is appealing to policy makers to revise the legislation to align with regulations in Northern Ireland, prioritising protection of the environment and domestic private wells.(4)

Sinéad O’Brien, SWAN Coordinator said: “The proposed Bill is very much light touch regulation and would very likely fail to meet the requirements of the Water Framework Directive. The Bill is a long way off providing meaningful monitoring or controls of the extraction of our most precious resource. It sets exemption thresholds so ridiculously high that the majority of water abstractions would remain unmonitored and unregulated, including agricultural and commercial abstractions. Under this Bill you can effectively abstract enough water for a town the size of Dungarvan without needing a licence.

“Lack of effective monitoring and regulation of water abstraction means that we essentially have no idea how much of our water resources are being used, where water is being extracted and for what purpose. This creates all sorts of risks for the environment including potential depletion of wetlands and damage to biodiversity. With climate change, future droughts are likely and we will see increased water shortages. With ineffective regulation, rural dwellers drawing just enough water for their own household, may be in the precarious situation of their well running dry as a result of large unlicensed abstractions. It is crucial that we introduce proper monitoring and controls on abstraction to protect our water resources now and into the future.”

Dr. Elaine McGoff, An Taisce Natural Environment Officer and SWAN Director said: “This Bill is meant to resolve the regulatory gap, but instead of fixing things and providing sufficient controls, it’s doing little to change the situation and will actually result in breaches of other EU directives. Unless the Bill is dramatically changed, we are likely to end up before the European Court of Justice.

“We have an example of good regulation right across the border. Northern Ireland has a comprehensive regulatory framework which could act as a guiding model for an Irish system. But what this Bill proposes falls way short of regulations up north, it allows for the potential abstraction of one-hundred times more water here without requiring a licence. We’re on the same land mass, with the same pressures and environmental conditions on both sides of the border, it doesn’t make sense that such different standards would apply. We must get this legislation right to minimise risks of over-abstraction, protect our environment and future-proof our water supply.”

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Notes to editor:

Water abstraction or extraction is the process of taking water from any source (rivers, lakes, groundwater) for irrigation, industry, recreation, flood control or treatment to produce drinking water.

The Sustainable Water Network (SWAN) recently released a report on water abstraction in Ireland – highlighting the risks and potential impact of the State's insufficient monitoring and regulation. The report 'Water Abstraction: Interactions with the Water Framework Directive & Groundwater Directive and Implications for the Status of Ireland's Waters' is available [here](#).

(1) On 30 October 2020 the European Commission issued a 'Reasoned Opinion' against Ireland for failure to fully and correctly transpose Water Framework Directive into national law and provide appropriate controls for water abstraction, impoundment and activities causing hydromorphological changes such as dams, weirs and other interferences in natural water flow. Ireland must take appropriate action or the Commission may decide to refer the case to the Court of Justice of the European Union: 'Water: Commission calls on IRELAND to correctly transpose the Water Framework Directive'

https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1687

(2) The General Scheme of the 'Water Environment (Abstractions) Bill' proposes a registration exemption threshold of 25 cubic metres (25,000 litres) per day – any abstraction points abstracting less than this amount do not require registration. The Water Framework Directive requires prior authorisation of all abstractions. While it allows for Member States to apply certain exemptions for abstractions which have no significant impact on water status, it is clear that registration and licensing of all abstractions is required unless it can be demonstrated that these do not have a significant impact.

By not registering any abstractions under 25 cubic metres, Ireland cannot comprehensively assess cumulative impact as required by the Habitats Directive and the Environmental Impact Assessment Directive. It's a legal obligation for decision makers to be able to conclude 'beyond reasonable doubt' that a development won't impact on EU protected sites, and by failing to register or licence any abstractions under 25 cubic metres, the State is providing no practical or legal means to calculate how much water is being abstracted cumulatively, or to protect these sensitive sites from over-abstraction, in contravention of the Habitats Directive.

(3) The General Scheme of the 'Water Environment (Abstractions) Bill' proposes a registration exemption threshold of 25 cubic metres (25,000 litres) per day – any abstraction points abstracting less than this amount do not require registration. This equates to approximately enough water to fill 104 wheelie bins daily.

The Bill proposes a licencing exemption threshold of daily abstraction rates of 2000 cubic metres (2,000,000 litres) or 250 cubic metres (250,000 litres) in areas of significance – any abstraction points abstracting less than this amount do not require a licence. 2000 cubic metres is enough water to support a town the size of Dungarvan, Co Waterford (9,200 people, 3,360 households) or 16,000 dairy cows. 250 cubic metres is enough water to supply 420 households.

(4) In Northern Ireland abstractions over 10 cubic metres must be registered, and those over 20 cubic metres must be licenced.

The Sustainable Water Network (SWAN) is an umbrella network of twenty-five national and local environmental groups working together for the protection and sustainable management of Ireland's water environment.

SWAN Members: An Taisce, Bat Conservation Ireland, BirdWatch Ireland, Carra/Mask/Corrib Water Protection Group, Cavan Leitrim Environmental Awareness Network, Celebrate Water, Coastal Concern Alliance (Associate), Coastwatch, Coomhola Salmon Trust, Cork Environmental Forum, Cork Nature Network, Dodder Action, ECO-UNESCO, Friends of the Earth, Friends of the Irish Environment, Irish Peatland Conservation Council, Irish Seal Sanctuary, Irish Whale and Dolphin Group, Irish Wildlife Trust, Longford Environmental Alliance, Macroom District Environmental Group, River Shannon Protection Alliance, Save the Swilly, Slaney River Trust, Voice of Irish Concern for the Environment (VOICE).